

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE RESOLUTION NO. R9-2004-0013

**RECOMMENDATION TO THE
STATE WATER RESOURCES CONTROL BOARD
FOR THE ADOPTION OF AN EXCEPTION TO THE CALIFORNIA OCEAN PLAN
FOR
THE UNIVERSITY OF CALIFORNIA
SCRIPPS INSTITUTION OF OCEANOGRAPHY, LA JOLLA**

WHEREAS:

1. The State Water Resources Control Board (State Board) adopted the 2001 California Ocean Plan (Ocean Plan) on November 16, 2000.
2. The Ocean Plan prohibits waste being discharged to ocean waters that are designated Areas of Special Biological Significance (ASBS).
3. ASBSs are those areas designated by the State Board as requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable.
4. The waters of the *San Diego Marine Life Refuge* and the *La Jolla Ecological Reserve* are designated ASBSs. The *San Diego Marine Life Refuge* and the *La Jolla Ecological Reserve* are contiguous Pacific Ocean areas adjoining the La Jolla neighborhood of the City of San Diego.
5. According to the Public Resources Code (PRC), Section 36750, as of January 1, 2003 all designated ASBSs are also State Water Quality Protection Areas (SWQPAs).
6. SWQPAs are defined in the PRC as nonterrestrial marine or estuarine areas designated to protect marine species or biological communities from an undesirable alteration in natural water quality, including, but not limited to, ASBSs that have been designated by the State Board through the water quality control planning process.
7. The University of California, Scripps Institution of Oceanography (Scripps), discharges wastewater into the *San Diego Marine Life Refuge*. The wastewater consists of seawater that has been circulated through various aquariums (the Stephen Birch Aquarium as well as the institutions laboratory aquaria). At times, the wastewater commingles with storm water and urban runoff.
8. Scripps discharges wastewater to the *San Diego Marine Life Refuge* pursuant to Order No. 99-83, NPDES Permit No. CA0107239.

9. In 2002, the State Board determined that Scripps needed to request an Exception to the Ocean Plan Prohibition, *Section III.H.2*, to continue discharging into the *San Diego Marine Life Refuge*.
10. Exceptions to the Ocean Plan may be granted by the State Board if the Exception will (a) not compromise protection of ocean waters for beneficial uses and (b) the public interest will be served.
11. In a letter, dated November 22, 2002, Scripps requested an Exception to the Ocean Plan prohibition to continue discharging into the *San Diego Marine Life Refuge*. Included in the request was information in support of the Exception.
12. The request and supporting information submitted by Scripps is sufficient for State Board and Regional Board to determine that an Exception will not compromise protection of ocean waters for beneficial uses and that the public interest will be served.
13. State Board intends to consider adoption of the Exception to the Ocean Plan Prohibition, *Section III.H.2*, at its June 17, 2004 meeting.
14. This Resolution recommends that the State Board approve the Exception to the Ocean Plan Prohibition, *Section III.H.2*, for the University of California, Scripps Institution of Oceanography, La Jolla.

THEREFORE BE IT RESOLVED THAT:

1. The Regional Board recommends that the State Board approve the Exception to the 2001 California Ocean Plan Prohibition, *Section III.H.2*, for the University of California, Scripps Institution of Oceanography, La Jolla.
2. If the State Board conditions approval of the Exception that requires modifications to Order No. 99-83, NPDES Permit No. CA0107239, the Regional Board will, at a later Regional Board meeting, consider appropriate modifications to the Order.

I, John H. Robertus, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on April 14, 2004.

TENTATIVE

JOHN H. ROBERTUS
Executive Officer